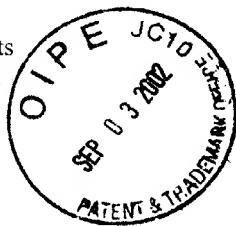


CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Typed or Printed Name	<i>CINDY HUANG</i>	
Signature	Date	RECEIVED
RESPONSE TO RESTRICTION REQUIREMENT		
Address to: Commissioner for Patents Washington, D.C. 20231	Attorney Docket (Confirmation No.)	UCAL168 8751
	First Named Inventor	E. Raz
	Application Number	09/848,986
	Filing Date	May 4, 2001
	Group Art Unit	1632
	Examiner Name	D.T. Nguyen
	Title: "Agents that modulate DNA-PK activity and methods of use thereof"	



Sir:

This is in response to the Restriction Requirement dated August 5, 2002. The Restriction Requirement set forth a one-month time period for response, making a response due on or before September 5, 2002. Accordingly, this response is timely filed.

I. REMARKS

In the Restriction Requirement, the Examiner required election of one of the following groups of claims:

- Group I: Claims 1-7, drawn to a method for modulating cell death in a eukaryotic cell;
- Group II: Claims 8-12, drawn to an assay for identifying an agent that modulates a biological activity of DNA-PK;
- Group III: Claim 13, drawn to a composition comprising an agent identified by the method of claim 8.

Applicants hereby elect to prosecute the claims of Group II (claims 8-12), with traverse.

This election is made with traverse. As stated in the MPEP §803, if search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. It is Applicants' position that it would not be unduly burdensome to perform a search on claims 1-13 together. Accordingly, Applicants traverse the restriction requirement.

Applicants expressly reserve the right under 35 USC §121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of this application.

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USSN: 09/848,986

II. CONCLUSION

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number UCAL168.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: Aug 27 2002

By: 

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Registration No. 42,344

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